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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12

13 PAMELA DEACON,

14 Plaintiff,

15 v.

16 KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

17 Defendant.
18

No. 1:21-cv-00641-BAM

DEFENDANT'S UNOPPOSED MOTION TO
FILE A LATE RESPONSIVE BRIEF AND
[PROPOSED] ORDER

19 Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security (the
20 "Commissioner"), by and through her undersigned Counsel, files this unopposed motion to file
21 her responsive brief late. Andrea Banks, counsel to the Commissioner, uses the Outlook Task
22 system to track her assignments and briefing deadlines. As this case was also being worked on by
23 counsel from another of our offices, Ms. Banks inadvertently did not move this item in her
24 calendar to indicate the correct deadline of Defendant's briefing deadline.

25 Defendant's responsive brief to Plaintiff's Motion for Summary Judgment was due last
26 week on Thursday, July 28, 2022. Defendant was out of the office on Friday, July 29, 2022 due to
27 personal matters. Defendant's counsel only realized her calendaring error today, Monday, August
28 1, 2022. Defendant's counsel emailed with Plaintiff's counsel, Jim Yoro, today and he stated he

1 had no objection or opposition to this motion.

2 Counsel did not intend to delay these proceedings by miscalendaring Defendant's briefing
3 deadline and sincerely apologizes to Plaintiff's counsel, Plaintiff, and to the Court for any
4 inconvenience. Defendant will file her responsive motion today, August 1, 2022. Defendant
5 respectfully requests that the Court grant this unopposed motion.

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7 PHILLIP A. TALBERT
United States Attorney

8 DATED: August 1, 2022

9 By: /s/ Andrea Banks
Special Assistant United States Attorney
Attorneys for Defendant

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16 **ORDER**

17 Having considered the unopposed request, and cause appearing, Defendant's motion to
18 file a late responsive brief is GRANTED nunc pro tunc. Defendant's responsive brief has been
19 filed. (See Doc. 18.) The Scheduling Order deadline for Plaintiff's reply brief, if any, is modified
20 accordingly.

21 IT IS SO ORDERED.

22
23 Dated: August 2, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE